

The Honorable Karen A. Overstreet

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re: Nabil Rizk, Debtor

Bankruptcy Case No. 10-14263

Ex Parte Motion to Amend Petition

I. Relief Requested

Debtor moves the Court, pursuant to Federal Rule of Bankruptcy Procedure 1009(a), for leave to amend the voluntary petition in the above captioned matter to correct a software error and remove an improperly joined debtor.

II. Facts.

Due to a software error, Debtor's spouse was inadvertently joined and identified as a co-debtor in this matter. However, debtors spouse is not joining in this action and is not and should not have been identified as a co-debtor.

III. Authority.

"A voluntary petition, list, schedule, or statement may be amended by the debtor as a matter of course at any time before the case is closed. The debtor shall give notice of the amendment to the trustee and to any entity affected thereby. On motion of a party in interest,

1 after notice and a hearing, the court may order any voluntary petition, list, schedule, or statement
2 to be amended and the clerk shall give notice of the amendment to entities designated by the
3 court.” FED. R. BANKR. P. 1009(a).

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6 **IV. Conclusion**

7 Deferring the entry of an order granting a discharge for 30 days to permit the debtor to
8 finalize reaffirmation negotiations is appropriate under the current circumstances. The creditors
9 are not harmed by the delay of an entry of discharge for 30 days, while the debtor’s interests
10 protected by permitting him additional time to complete negotiations around possible
11 reaffirmation agreements. For the forgoing reasons, the debtor requests that the Court approve
12 his order.

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16 Respectfully submitted this 19th day of April, 2010, in Seattle, Washington.

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18 COULTER MARTIN SMITH PLLC

19 /s/Jefferson Coutler

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21 Jefferson Coulter, WSBA # 28947
22 Julie Martin, WSBA # 38006
23 Attorneys for Debtor

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2 Certificate of Service

3 I hereby certify that on April 19, 2010, I electronically filed the foregoing document with the
4 Clerk of the Court using the CM/ECF system, which will send electronic notification to all
5 parties of record.

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7 DATED this 19th day of April, 2010

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10 /s/ Julie Martin

11 _____
12 Julie Martin